

**PROCEEDINGS OF THE BROWN COUNTY**  
**PUBLIC SAFETY COMMITTEE**

Pursuant to Section 19.84 Wis. Stats., a regular meeting of the **Brown County Public Safety Committee** was held on Wednesday, February 7, 2018 at the Brown County Sheriff's Department, 2684 Development Drive, Green Bay, Wisconsin.

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**Present:** Chair Buckley, Supervisor Zima, Supervisor Evans, Supervisor Clancy, Supervisor Nicholson  
**Also Present:** Public Safety Communications Director Cullen Peltier, Medical Examiner Director of Operations Barry Irmen, District Attorney Office Manager Michele Andresen, Judge Walsh, Judge Morrison, Sheriff John Gossage, Chief Deputy Todd Delain, Captain Keith Deneys, Lt. John Mitchell, Robert Srenaski and news media

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**I. Call meeting to order.**

The meeting was called to order by Chair Buckley at 11:12 am.

**II. Approve/Modify Agenda.**

Motion made by Supervisor Evans, seconded by Supervisor Zima to move Item 20 to follow Comments by the Public and approve as amended. Vote taken. **MOTION CARRIED UNANIMOUSLY**

**III. Approve/Modify Minutes of January 3, 2018.**

*See opening comment at Item 20.*

Motion made by Supervisor Evans, seconded by Supervisor Zima to approve. Vote taken. **MOTION CARRIED UNANIMOUSLY**

**Comments from the Public.** None.

*Although shown in the proper format here, Item 20 was taken at this time.*

**1. Review Minutes of:**

- a. Criminal Justice Coordinating Board (November 9, 2017).
- b. Local Emergency Planning Committee – LEPC (November 14, 2017 & January 9, 2018).
- c. Traffic Safety Commission (October 10, 2017 & January 9, 2018).

Motion made by Supervisor Clancy, seconded by Supervisor Evans to take Items 1 a-c together. Vote taken. **MOTION CARRIED UNANIMOUSLY**

Motion made by Supervisor Evans, seconded by Supervisor Clancy to receive and place on file Items 1 a-c. Vote taken. **MOTION CARRIED UNANIMOUSLY**

**Resolutions/Ordinances**

**2. Ordinance to Amend Section 4.49 (Entitled "Extra Pay") of Chapter 4 of the Brown County Code of Ordinances. *Referred back from January County Board.***

Buckley noted this was approved at the last meeting but was then referred back at the County Board meeting.

Motion made by Supervisor Evans, seconded by Supervisor Zima to re-approve the ordinance. Vote taken. **MOTION CARRIED UNANIMOUSLY**

**District Attorney**

**3. Budget Adjustment Request (18-24): Any increase in expenses with an offsetting increase in revenue.**

The District Attorney's office received TIP assessment funding in 2016 and placed it in unearned revenue for future use. This budget adjustment is to place the unspent dollars into the 2018 budget.

**Motion made by Supervisor Nicholson, seconded by Supervisor Evans to approve. Vote taken. MOTION CARRIED UNANIMOUSLY**

**4. District Attorney Report.**

**Motion made by Supervisor Nicholson, seconded by Supervisor Evans to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY**

**Public Safety Communications**

**5. Budget Status Financial Report for November 2017.**

Director of Public Safety Communications Cullen Peltier informed his department should finish 2017 in the positive. He has made a request to carry over some funds for the CAD project that will be coming to the Committee at some point.

**Motion made by Supervisor Clancy, seconded by Supervisor Nicholson to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY**

**6. Director's Report.**

Peltier informed their staffing is currently down one and they have one left in training from the previous hires. There are two people on the eligibility list and they will hire from that list once there is another vacancy. The CAD go-live is tentatively scheduled for mid-May and at this point everything looks good to meet that goal.

**Motion made by Supervisor Nicholson, seconded by Supervisor Clancy to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY**

**Circuit Courts, Commissioners, Probate**

**7. Budget Status Financial Reports for October & November 2017.**

**Motion made by Supervisor Nicholson, seconded by Supervisor Clancy to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY**

**8. Director's Report.**

**Motion made by Supervisor Nicholson, seconded by Supervisor Clancy to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY**

**Clerk of Courts**

**9. Budget Status Financial Report for November 2017.**

**Motion made by Supervisor Nicholson, seconded by Supervisor Clancy to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY**

**10. Director's Report.**

**Motion made by Supervisor Clancy, seconded by Supervisor Nicholson to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY**

**Emergency Management**

**11. Budget Status Financial Report for November 2017.**

**Motion made by Supervisor Clancy, seconded by Supervisor Nicholson to receive and place on file. Vote taken.**  
**MOTION CARRIED UNANIMOUSLY**

**12. Director's Report.**

**Motion made by Supervisor Clancy, seconded by Supervisor Nicholson to receive and place on file. Vote taken.**  
**MOTION CARRIED UNANIMOUSLY**

**Medical Examiner**

**13. Budget Status Financial Report for November 2017.**

Medical Examiner Director of Operations Barry Irmen informed the budget is in good shape with the exception of personnel costs as discussed at previous meetings.

**Motion made by Supervisor Nicholson, seconded by Supervisor Evans to receive and place on file. Vote taken.**  
**MOTION CARRIED UNANIMOUSLY**

**14. 2018 Medical Examiner Activity Spreadsheet.**

**Motion made by Supervisor Nicholson, seconded by Supervisor Clancy to receive and place on file. Vote taken.**  
**MOTION CARRIED UNANIMOUSLY**

**15. January Transportation Log – 2018.**

Irmen recalled questions by Supervisor Zima at the last meeting regarding turnaround time when bodies are taken to Madison. Irmen said in January 18 bodies went to Madison from the three counties for either external examinations or autopsies. Of those 18, 9 were back in 24 hours or less; 5 were back in 36 hours or less; two were frozen so they were there longer while they were thawing; one was a homicide and was there longer and another required a more complicated investigation that had to be completed up here before the body could be released. The contract requirements were met with the exceptions noted. For Brown County alone, there were 14 bodies sent to Madison and 9 came back in less than 24 hours; 2 were less than 36 hours; one of the bodies found outside was more than 36 hours and the homicide case and other complicated case took longer while the Medical Examiners' office was working with law enforcement and the DA.

Zima noted he heard another complaint regarding the Medical Examiner's office since the last meeting. He explained the situation and said the family of the decedent became upset because staff from the Medical Examiner's office was trying to force an autopsy, although the family did not want an autopsy and further, the Medical Examiner's office did not suspect foul play. Irmen knew the case Zima was referring to and informed the death is either accidental or natural. The determination affects a number of things including insurance benefits and statistics. Irmen said they honored the family's request to not have an autopsy and the manner of death is ruled as undetermined undetermined. Irmen said the doctor's opinion was that not having an autopsy may not have been in the family's best interest and all of this was explained at length to the deceased's family.

Buckley said going forward, if there are problems, Irmen should be contacted directly to avoid identifying individual cases on the record. Irmen said he is happy to talk to anyone at any time. Clancy said things had been left to slide in the Medical Examiner's office for a long time, and what we wanted and what we are now getting is the best expertise available and he would rather be blamed for being too good at something than not doing a complete and thorough job.

Irmen concluded by saying in Wisconsin the Coroner or Medical Examiner decides who has an autopsy and who does not. The DA can also request an autopsy. The Medical Examiner's office tries to honor a family's request when possible and in the case Zima is referring to, the Medical Examiner's office ultimately honored the family's request after the family had time to think about and understand the implications. Zima thanked Irmen for his explanation on all of this.

**Motion made by Supervisor Zima, seconded by Supervisor Nicholson to receive and place on file. Vote taken.**  
**MOTION CARRIED UNANIMOUSLY**

**Sheriff**

**16. Update on Jail Addition -- *Standing item.***

Lt. John Mitchell reported the process of scoring the RFP results will conclude later today and an owner's rep should be selected at that time to represent the County.

**Motion made by Supervisor Evans, seconded by Supervisor Nicholson to proceed. Vote taken. MOTION CARRIED UNANIMOUSLY**

**17. Budget Status Financial Report for November 2017.**

Sheriff John Gossage informed they are still targeted to be over budget by about \$700,000 due to shipping inmates to other counties.

**Motion made by Supervisor Clancy, seconded by Supervisor Evans to receive and place on file. Vote taken.**  
**MOTION CARRIED UNANIMOUSLY**

**18. Budget Adjustment Request (18-22): Any increase in expenses with an offsetting increase in revenue.**

This budget request is to increase grant revenue and related expenses to participate in a Homeland Security ALERT Chemical protection grant. The grant provides funds for the purpose of purchasing chemical protection suits and gas masks (air purifying respirators). There is no match required for this grant.

**Motion made by Supervisor Nicholson, seconded by Supervisor Clancy to approve. Vote taken. MOTION CARRIED UNANIMOUSLY**

**19. Budget Adjustment Request (18-23): Any increase in expenses with an offsetting increase in revenue.**

This budget request is to increase grant revenue and related expenses to participate in a Homeland Security ALERT SWAT Command training grant. The grant provides funds for the National Tactical Officer's Association to send instructors to Brown County to instruct the course. There is no match request for this grant.

**Motion made by Supervisor Clancy, seconded by Supervisor Nicholson to approve. Vote taken. MOTION CARRIED UNANIMOUSLY**

**20. Review and consider Needs Assessment Proposals for Security Screening at the Brown County Courthouse. *Held for one month.***

*Chair Buckley noted Judge Atkinson forwarded a letter to the County Board Office dated February 2, 2018 regarding the minutes from the January 3, 2018 Public Safety Committee meeting. A copy of this letter is attached hereto.*

Chief Judge for the Eighth Judicial District Jim Morrison and Brown County Circuit Court Judge Tom Walsh addressed the Committee. Judge Morrison said he is here to represent the Wisconsin Supreme Court and the Supreme Court Rules. He said Brown County has a very important consideration regarding security of the courthouse. He acknowledged the courthouse is a beautiful building that we want to be open to everyone. Marinette County is struggling with similar issues as they have nine separate exits.

*Supervisor Clancy arrived at 11:14 am.*

Judge Morrison continued that courthouse security is a very important issue, especially in our imperfect society. Other than an occasional wedding or adoption, the courthouse is a place where very few happy things happen and

proceedings are usually unpleasant for at least one side, and sometimes both parties. In addition, employees, jurors and members of the public come into the courthouse every day even though they do not have any part in legal proceedings. The courthouse is a concentration of a lot of stress as well as a lot of innocent bystanders. Violence in courthouses and other public places is growing and Judge Morrison feels prudent, reasonable steps need to be taken to accommodate safety. A single point of monitored entry with metal detectors seems to be the most sensible thing to do.

Judge Morrison continued that the judges are not telling the Committee and the Board what they must do. The Supreme Court Rules indicate all courthouses *should* have a single point of entry; it does not say *must*. That is the strongest possible language on the subject. Not all Brown County judges are in favor of this, but the position of the majority of the judges and the court system is that this effort to provide proper security should and needs to go forward.

Judge Walsh recalled the issue of courthouse security was before the County Board during the last budget meeting and the vote to add screening ended up tied. It seemed most of the people who voted against it felt this issue should have gone through a more lengthy vetting process. What is before the Committee today is approval of moving forward with getting a study done of the courthouse and where the screening would occur so the process can continue forward. This issue got started when five of the Brown County judges submitted a petition to the County Board asking them to pursue screening at the courthouse, for the very reasons Judge Morrison referred to above. Judge Walsh continued that the courthouse fills up on a regular basis with citizens of this county who have been ordered to be there to address their family situations, answer subpoenas and respond to jury duty and he feels it is appropriate to do what can be done to ensure it is a safe environment.

Sheriff John Gossage said he has tasked Captain Deneys with going through Purchasing for an RFQ for a study. Two architectural groups responded; one did not meet the qualifications of coming in under \$10,000. The other, Dewberry, came in at \$9,500 for the study to look at best practices and design. Gossage continued that the US Marshall's Office did a study previously and that study and recommendations were provided to the architects during the RFQ process.

Zima said this is a fundamental decision as to whether it is important or not. He acknowledged that everyone wants security but questioned if there is a perfect system. He questioned what the history of incidents is that resulted in serious injury in the history of Wisconsin. Judge Morrison referenced a shooting in Wausau last year that was the result of a divorce gone bad that resulted in three deaths. He continued that there have been fatal shootings all over the country in courthouses and he referenced several other examples.

Zima said it is his understanding that any time a judge feels extra security may be needed, they can ask for and receive it. Judge Walsh responded that he does not want to simply guess when extra security may be needed. There are not outbreaks in the courthouse every single day, but the most explosive incidents occur in front of the Family Court Commissioners during their divorce calendars. By the time family law cases come before Judge Walsh, the parties have already gone at each other a lot of different ways, but he does often have deputies in his courtroom for family law cases. Zima asked if having a deputy in the courtroom is a deterrent and, if it is, if expending a deputy on a fulltime basis would be better. Judge Walsh said deputies in the courtroom are a deterrent, but he does not know that hiring another deputy would be worth the expense, but noted those are policy decisions that are made by the County Board. Judge Walsh said there could also be dangerous situations in areas of the courthouse other than the courtrooms. He said the last time he asked for extra security was about four months ago and at that time he was advised there was not enough staff to man a metal detector at the door to his courtroom. It ended up turning out okay because the case settled, but that is not always the case and he does not know when those types of things are going to happen. In the six years Judge Walsh has been on the bench, he has asked for screenings one time.

Zima said asking for screening one time does not seem to balance the desire to have security. Judge Walsh referenced the time the gentleman shot himself in the head right outside of the courthouse and noted that that gentleman had had the gun in the courthouse with him. Judge Walsh reiterated earlier comments that the courthouse is often full of people who come in as witnesses and for jury duty and although those people are not typically sought out by people outside of the courthouse, when they are in the courthouse, they are right in the hot seat and this concerns him.

Zima asked if this subject has been approached from a legislative point of view. Judge Morrison reiterated that the Supreme Court Rule strongly urges security, but they do not mandate it. Zima noted the Governor could order security

if he wanted and asked if any legislatures have ever requested a bill in this regard. Zima asked how many courthouses in the state have security where everyone who walks in is screened. Judge Morrison responded that two of the counties bordering Brown County have security (Door and Outagamie). Winnebago and Milwaukee counties also have security. Judge Walsh added that of the 12 most populated counties in Wisconsin, Brown County is the only one that does not have screened entrances.

Zima continued by asking what the ongoing cost would be for having security screenings. Gossage estimated the cost would be \$100,000 annually to have a contracted service handle the screenings. He does not feel it is necessary to have a sworn officer man the screenings because a contracted service would be working in concert with armed courthouse security. The current security staffing levels would not change if screening is added. The actual ongoing costs can only be estimated at this time because the number of points of ingress and egress are still unknown. Gossage said the US Marshall's study indicated the south side courthouse entrance would be the optimal location for screenings. The other entrances would be locked but would have alarms so that if someone did exit one of those doors, it would be captured on camera.

Judge Morrison agreed with Judge Walsh in that it is not known exactly when we will need security, but when it is realized it is needed, it is often too late. The judges know this is not a trivial expense and they realize it will affect in some small way access to the courthouse, but everybody would be manifestly safer with security.

Evans said he is in support of taking proactive or preventative action rather than having a reactive response and he believes the citizenry needs to have the safest environment possible so he is supportive of this. He feels the courthouse is a powder keg and is thankful nothing has happened so far. He referenced a situation that occurred recently in one of the treatment court sessions that could have easily resulted in something very bad happening and screening would have allowed for law enforcement to check for weapons. Evans said catastrophes cannot be prevented, but steps can be taken to mitigate the risk. He does not like the idea of having a contracted service handle the screenings. He would prefer it to be done by someone who is deputized and carrying a sidearm. He does not have a problem spending money for security. Gossage clarified that only the person doing the screenings would be a contract service. There would be an armed deputy near the machine to handle anything that comes up. Gossage said there is staffing on the first floor and, in addition, the security office is close by so if an alarm was hit notifying law enforcement, officers would be there within 5 – 10 seconds.

Captain Deneys said currently there are eight deputies staffed at the courthouse along with three sergeants and a lieutenant and they are all armed. A good portion of those deputies are also used for transporting inmates to hearings. They keep an independent floor security individual on each floor that does roaming. Deneys said on a day to day basis there could be weapons coming into the courthouse, but they do not know that without screenings. Screenings would help prevent the sudden assault that could happen. Deneys continued that what is being requested at this time is the architectural study to find out what the cost would be for the security measures so the County Board can make a decision as to how to proceed.

While Evans is in favor of the security overall, he would like to see it happen without having just a single point of entry. He understands that is the best way to do it, but he would prefer to see multiple points of entry rather than just one. He also said he had a conversation with a judge who is not in favor of the security because he felt that jurors being screened to come into the courthouse may lead them to feelings that the defendant is guilty. Evans feels this is something that would fall back on the judges to instruct the jury that people are innocent until proven guilty.

*Supervisor Nicholson arrived at 11:44 am.*

Buckley said he supported this at the County Board meeting and he still supports it. Through his career he spent numerous days in the courthouse and he agrees that it is a volatile place. He understands we cannot prevent everything, but taking this step to prevent someone from bringing in a weapon would help. He feels at the County Board meeting this got to be more about the judges, but it is about more than that. It is about the jurors and the public that come into the courthouse to observe a trial or be a witnesses and it is also about the courthouse staff. He feels we have to start moving forward instead of waiting for something to happen. Buckley feels everyone in the courthouse would feel more comfortable knowing that everyone who comes in has been screened.

Judge Morrison said the judges are better protected than everyone else in the courthouse. This is not just about the judges; it is protection for everyone in the courthouse. The judges are not asking for any special deals; they are asking for protection for everyone in the courthouse.

Supervisor Clancy feels we are behind the times and are used to people not being violent, but in current times we do not have any idea what is being carried into the courthouse. Having the screenings would send a statement that actions are being taken to prevent something from happening. He does not feel we should wait until something happens. It is our duty to protect everyone and if we do not take steps to do that we are not doing our job. He is in favor of getting the study done and moving forward.

Zima noted some of the judges are adamantly against this idea and asked Judge Morrison if he took Judge Atkinson's presiding judge status away because of this. Judge Morrison said he told Judge Atkinson that it was the position of the Supreme Court that he could not be the presiding judge and take a position contrary to the position he stated. Judge Atkinson indicated he wanted to speak to this issue on his own and Judge Morrison told him to resign being the presiding judge, which Judge Atkinson did. Judge Morrison continued that Judge Atkinson did speak his personal view on this and then agreed not to speak against this and to support it going forward and he was then reinstated as presiding judge. Judge Atkinson made it clear when he spoke that it was his own personal opinion and he was not speaking for the other seven judges of Brown County. Judge Morrison is speaking for the Chief Justice, the Supreme Court, the Director of State Courts and the Brown County judiciary as a group.

Judge Walsh agreed with Buckley's comment that it seemed this was more about the judges at the County Board meeting. Judge Walsh said when he took the bench there was a sense that as soon as the eight judges got on board with security, it would move forward. Judge Walsh felt that was totally irrelevant because the judges do not have any legislative authority to run the building; they just occupy it. The judges have opinions and he has brought five of them forward to the Board's attention for whatever it's worth.

Zima said the County Board is faced with trying to make a balanced decision. He is not opposed to the study to find out the costs, but noted a decision would then need to be made if it is worth spending the resources with the lack of occurrences or if the resources could be spent better elsewhere. He said this is really a risk reward analysis situation. Judge Morrison agreed that it is a risk reward evaluation and added that there is not any other place in Brown County that so many people are under stress at the same time.

**Motion made by Supervisor Nicholson to deny the study. No second; no vote taken.**

**Motion made by Supervisor Evans, seconded by Supervisor Clancy to approve the study. Vote taken. Ayes: Evans, Clancy, Buckley & Zima Nay: Nicholson. MOTION CARRIED 4 to 1**

**21. Sheriff's Report.**

**Motion made by Supervisor Nicholson, seconded by Supervisor Evans to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY**

**Communications**

**22. Communication from Supervisors Sieber/Linssen/Becker re: To include in the 2018 budget up to \$150,000 to RFP for services to find efficiencies in our criminal justice system. *Held for one month.***

**Motion made by Supervisor Zima, seconded by Supervisor Clancy to hold Items 22 & 23 for one month. Vote taken. MOTION CARRIED UNANIMOUSLY**

**23. Communication from Supervisors Brusky and Schadewald re: This is our request to form a Criminal Justice System Efficiency Improvement Work Group. This multi-function team would seek to identify opportunities to increase the justice system's operational efficiency and recommend specific actions to contain the growth and/or reduce the system's operating costs. *Referred from January County Board.***

*See action at Item 22 above.*

24. Communication from Supervisor Buckley re: To obtain Attorney General's opinion on when the clock starts ref to an EM-1 detention (In Custody). Also can an officer pass off his/her authority on an EM-1 (In Custody) to AOA – Law Enforcement personnel to monitor and transportation to the approved medical facility. *Referred from January County Board.*

Buckley informed there are two different times being used for starting the EMI process as discussed at the last meeting. He would like an Attorney General opinion on this to get everyone on the same page.

Motion made by Supervisor Nicholson, seconded by Supervisor Evans to send to Corporation Counsel. Vote taken. **MOTION CARRIED UNANIMOUSLY**

**Other**

25. Audit of bills.

Motion made by Supervisor Clancy, seconded by Supervisor Evans to pay the bills. Vote taken. **MOTION CARRIED UNANIMOUSLY**

26. Such other matters as authorized by law.

Evans informed he received a message from Clerk of Courts John Vander Leest. Vander Leest was held up in a meeting elsewhere and was not able to get to this meeting, but indicated he will have a budget update at the next meeting.

Clancy asked if there was any update on Brown County getting additional Assistant DA's, but nobody at the meeting had any additional information.

With regard to the communication of Supervisors Schadewald and Brusky (Item 23), Buckley noted that Robert Srenaski was at the meeting to talk about it; however this did not occur.

27. Adjourn.

Motion made by Supervisor Evans, seconded by Supervisor Zima to adjourn at 12:32 pm. Vote taken. **MOTION CARRIED UNANIMOUSLY**

Respectfully submitted,

Therese Giannunzio  
Administrative Specialist



William M. Atkinson  
Circuit Judge



Jennifer J. Fick  
Official Court Reporter

Sally A. Menghini  
Judicial Assistant  
920-448-4129

Dawn Willems  
Deputy Clerk  
920-448-4170

## BROWN COUNTY CIRCUIT COURT

Branch VIII  
100 South Jefferson Street  
P.O. Box 23600  
Green Bay, Wisconsin 54305-3600

February 2, 2018

Brown County Public Safety Committee

Dear Chairman Patrick Buckley, Supervisor Bill Clancy,  
Supervisor Patrick Evans, Supervisor Andy Nicholson, and  
Supervisor Guy Zima:

I write to correct an inaccurate representation made at the January 3, 2018, Brown County Public Safety Committee Meeting.

At page 5, item 12, the minute's state:

**"and with the support of Judge Atkinson indicated they were now in favor of the court security screening moving forward"**

I remain opposed.

I stand by my arguments and position presented to the Brown County Board of Supervisors at the November 1, 2017, Budget Meeting.

I am presiding over a one week medical malpractice jury trial starting Monday February 5<sup>th</sup>, and therefore, I cannot attend the February 7<sup>th</sup> meeting.

Respectfully,

William M. Atkinson  
Circuit Court Judge

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